5th December 1947]

APPENDIX IV.

[Vide item II (4) on page 94 supra.]

A Bill to prevent the dedication of women as devadasis in the Province of Madras.

(As passed by the Assembly.)

WHEREAS the practice still prevails in certain parts of the Province of Madras of dedicating women as "devadasis" to Hindu deities, idols, objects of worship, temples and other religious institutions;

AND WHEREAS such practice, however ancient and pure in its origin, leads many of the women so dedicated to life of prostitution;

AND WHEREAS it is necessary to put an end to the practice;

It is hereby enacted as follows:—

Short title and extent.

1. (1) This Act may be called the Madras Devadasis (Prevention of Dedication) Act, 1947.

(2) It extends to the whole of the Province of Madras.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) "dedication" means the performance of any ceremony, by whatever name called, by which a woman is dedicated to the service of a Hindu deity, idol, object of worship, temple or other religious institution, and includes '*pottukattu*,' '*gajjepuja*,' '*mudri*' and dancing by '*kumbhaharathy*';

(*b*) "devadasi" means any woman so dedicated;

(*c*) "woman" means a female of any age.

Dedication as devadasi to be unlawful.

3. (1) The dedication of a woman as a devadasi, whether before or after the commencement of this Act and whether she has consented to such dedication or not, is hereby declared unlawful and void; and any woman so dedicated shall not thereby be deemed to have become incapable of entering into a valid marriage.

Nothing contained in this sub-section shall be deemed to affect the operation of section 44-A of the Madras Hindu Religious Endowments Act, 1926, or the rights to which a devadasi is entitled under that section.

Madras Act II of 1927.

(2) Any custom or usage prevailing in any Hindu community such as the Bogum, Kalavanthula, Sani, Nagavasulu, Devadasi and Kurmapulu, that a woman of that community

who gives or takes part in any melam (nautch), dancing or music performance in the course of any procession or otherwise is thereby regarded as having adopted a life of prostitution and becomes incapable of entering into a valid marriage, and the performance of any ceremony or act in accordance with any such custom or usage, whether before or after the commencement of this Act and whether the woman concerned has consented to such performance or not, are hereby declared unlawful and void.

(3) Dancing by a woman, with or without *kumbhaharathy*, in the precincts of any temple or other religious institution, or in any procession of a Hindu deity, idol or object of worship installed in any such temple or institution or at any festival or ceremony held in respect of such a deity, idol or object of worship, is hereby declared unlawful.

Penalty.

4. (1) Any person having attained the age of sixteen years who after the commencement of this Act performs, permits, takes part in, or abets the performance of any ceremony or act for dedicating a woman as a devadasi or any ceremony or act of the nature referred to in section 3, sub-section (2), shall be punishable with simple imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

Explanation.—The person referred to in this section shall include the woman in respect of whom such ceremony or act is performed.

(2) Any person having attained the age of sixteen years who dances in contravention of the provisions of section 3, sub-section (3), or who abets dancing in contravention of the said provisions, shall be punishable with simple imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

Cognizance and trial of offences.

5. No Court inferior to that of a Presidency Magistrate or a Magistrate if the First Class shall inquire into or try any offence punishable under section 4.